

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAURA BARTONI,

No. C 08-3978 MHP

Plaintiff,

MEMORANDUM & ORDER

v.

**Re: Supplemental Briefing Regarding
Plaintiff's Motion to Remand**

AMERICAN MEDICAL RESPONSE WEST,
et al.,

Defendants.

A motion to remand, filed on February 23, 2009, is pending before the court. Defendants filed their opposition papers on March 9, 2009. At oral argument on April 27, 2009, defendants for the first time raised the argument that, pursuant to section 301 of the Labor Management Relations Act (LMRA), 29 U.S.C. § 185, jurisdiction may lie over the instant action in this court because an arbitration clause in one or more collective bargaining agreements will require interpretation. Defendants based this new argument on 14 Penn Plaza LLC v. Pyett, ___ U.S. ___, 129 S.Ct. 1456 (Apr. 1, 2009), which was decided after all moving papers on the instant motion had been filed. In light of this new precedent, the court would benefit from supplemental briefing on the issue.

Accordingly, the parties are hereby ordered to provide supplemental briefing addressing the following question: In light of 14 Penn Plaza, does this court have jurisdiction over the action under LMRA section 301 based upon a necessity of interpreting an arbitration clause in one or more pertinent collective bargaining agreements?

1 Plaintiff and defendants shall each file a brief, and the two briefs shall be filed
2 simultaneously. Each brief shall be no more than ten (10) pages in length. Both parties' briefs shall
3 be filed no later than twenty (20) days following the entry of this order. No responsive briefs are
4 permitted, and no hearing is to be noticed.

5
6 IT IS SO ORDERED.

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8 Dated: May 15, 2009


MARILYN HALL PATEL
United States District Court Judge
Northern District of California